

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DIET DRUGS : MDL NO. 1203
(PHENTERMINE, FENFLURAMINE, :
DEXFENFLURAMINE) PRODUCTS :
LIABILITY LITIGATION :

THIS DOCUMENT RELATES TO: :
: :
SHEILA BROWN, et al. :
: :
v. :
: :
AMERICAN HOME PRODUCTS :
CORPORATION :

: CIVIL ACTION NO. 99-20593

PRETRIAL ORDER NO. 8646

AND NOW, this 2nd day of June, 2011, upon consideration of the Joint Petition for an Award of Attorneys' Fees and Expense Reimbursements Relating to Common Benefit Work Performed from January 1, 2010 through December 31, 2010 and for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

1. As used herein, the "Current Joint Fee Applicants" means: (a) Anapol, Schwartz, Weiss, Cohan, Feldman and Smalley, P.C.; (b) Cummings, Cummings & Dudenhefer; (c) Levin, Fishbein, Sedran & Berman; and (d) Roda Nast, P.C. The "Current Plaintiffs' Liaison Counsel Fee Applicant" means Levin, Fishbein, Sedran & Berman.

2. The court hereby approves the reimbursement of \$160,290.88 in litigation expenses incurred by the Current Joint Fee Applicants, including amounts previously approved by the

court or advanced pursuant to order of the court, to be paid, reimbursed and/or allocated as follows:

- a. Prior expense reimbursements in the amount of \$75,447.96 shall be attributed to the MDL 1203 Fee and Cost Account as having been properly and finally allocated to that Account for payment;
- b. Within twenty days from the date of this Order, the AHP Settlement Trust ("Trust") shall transfer the amount of \$75,447.96 to the Escrow Agent for the MDL 1203 Fee and Cost Account to reimburse that account for expense reimbursements previously paid from that Account which should ultimately be paid by the Settlement Fund under Sections III.B.2, III.C.3 and VIII.E.1 of the Settlement Agreement; and
- c. Within twenty days from the date of this Order, the Trust shall pay the following amounts from the Settlement Fund and the Escrow Agent for the MDL 1203 Fee and Cost Account shall pay the following amounts from the MDL 1203 Fee and Cost Account to the following Current Joint Fee Applicants to reimburse them for previously unreimbursed litigation expenses incurred and paid by them:

| Joint Fee Applicant | Amount to be Paid by the Trust | Amount to be Paid by the MDL 1203 Fee and Cost Account |
|----------------------------------|--------------------------------|--|
| Levin, Fishbein, Sedran & Berman | \$2399.76 | \$2399.76 |
| Roda Nast, P.C. | \$2297.73 | \$2297.73 |

3. In addition to the amounts previously awarded in Pretrial Order Nos. 2622, 7763A, and 8516, the court hereby awards the Current Joint Fee Applicants an attorneys' fee in the

aggregate amount of \$3,069,827.25 to be paid from funds on deposit in the Fund A Escrow Account to compensate the Current Joint Fee Applicants for class-related work performed by them during the period from January 1, 2010 through December 31, 2010.

4. The aggregate award of fees from the Fund A Escrow Account as set forth in the preceding paragraph of this Order shall be allocated among and distributed and paid to the following law firms/attorneys in the following amounts:

| Current Joint Fee Applicant | Allocable Percentage | Payment Amount |
|---|----------------------|----------------|
| Anapol, Schwartz, Weiss, Cohan, Feldman and Smalley, P.C. | 0.0326% | \$1,000.00 |
| Cummings, Cummings & Dudenhefer | 5.8513% | \$179,625.00 |
| Levin, Fishbein, Sedran & Berman | 75.6298% | \$2,321,706.25 |
| Roda Nast, P.C. | 18.4863% | \$567,496.00 |

5. No earlier than twenty days after the date of this Order and as soon thereafter as is commercially reasonable, PNC Bank ("PNC"), as Escrow Agent for the Fund A Escrow Account, shall disburse from the Fund A Escrow Account the payments set forth in paragraph 4 of this Order. PNC shall make such payments by check, and shall deliver such checks to the payees by overnight courier in a manner that generates a written acknowledgment of receipt by the payee.

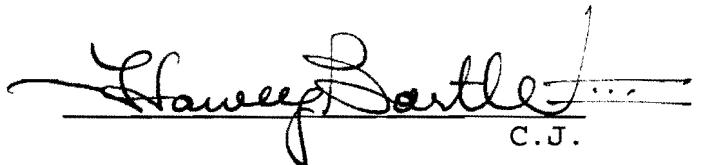
6. In addition to the amounts previously awarded in Pretrial Order Nos. 2622, 7763A, and 8516, the court hereby

awards the Current PLC Fee Applicant an attorneys' fee in the aggregate amount of \$2,321,706.25 to be paid from funds on deposit in the MDL 1203 Fee and Cost Account to compensate such attorneys for services of benefit to the plaintiffs in MDL 1203 and the coordinated state court litigation performed by them during the period from January 1, 2010 through December 31, 2010.

7. No earlier than twenty days from the date of this Order and as soon thereafter as is reasonably practicable, Gregory P. Miller, Esquire, as Escrow Agent for the MDL 1203 Fee and Cost Account, shall disburse from said Account the payment set forth in paragraph 6 of this Order. Mr. Miller shall make such payments by check, and shall deliver such checks to the payees by overnight courier in a manner that generates a written acknowledgment of receipt by the payee. In order to make these payments, Mr. Miller may transfer funds from the MDL 1203 Fee and Cost Account to a disbursement account at an appropriate financial institution.

8. Within five days from the date of this order, PNC, as the Escrow Agent for the Fund A Escrow Account and the Fund B Attorneys' Fees Account, shall transfer the entire amount on deposit in the Fund B Attorneys' Fees Account into the Fund A Escrow Account.

BY THE COURT:



The image shows a handwritten signature in black ink, which appears to be "Haweep Bartle". Below the signature, the initials "C.J." are handwritten.